

FIRST REGULAR SESSION

SENATE BILL NO. 466

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SMITH.

Read 1st time February 24, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

2112S.011

AN ACT

To repeal section 130.046, RSMo, and to enact in lieu thereof nine new sections relating to public financing of elections, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 130.046, RSMo, is repealed and nine new sections enacted in lieu thereof, to be known as sections 130.046, 130.500, 130.503, 130.506, 130.509, 130.512, 130.515, 130.518, and 143.1014, to read as follows:

130.046. 1. The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate takes office, and such report shall be for the period closing on the day before taking office; [and]

(3) Not later than the fifteenth day following the close of each calendar quarter. Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 most recent calendar quarter is filed prior to the fortieth day before the election
20 on the measure or candidate, the committee shall file an additional disclosure
21 report not later than the fortieth day before the election for the period closing on
22 the forty-fifth day before the election; **and**

23 **(4) Every forty-eight hours within thirty days of the election for**
24 **committees making any contribution in support of or in opposition to**
25 **any candidate for state representative, state senator, or statewide**
26 **elected office.**

27 2. In the case of a ballot measure to be qualified to be on the ballot by
28 initiative petition or referendum petition, or a recall petition seeking to remove
29 an incumbent from office, disclosure reports relating to the time for filing such
30 petitions shall be made as follows:

31 (1) In addition to the disclosure reports required to be filed pursuant to
32 subsection 1 of this section the treasurer of a committee, other than a continuing
33 committee, supporting or opposing a petition effort to qualify a measure to appear
34 on the ballot or to remove an incumbent from office shall file an initial disclosure
35 report fifteen days after the committee begins the process of raising or spending
36 money. After such initial report, the committee shall file quarterly disclosure
37 reports as required by subdivision (3) of subsection 1 of this section until such
38 time as the reports required by subdivisions (1) and (2) of subsection 1 of this
39 section are to be filed. In addition the committee shall file a second disclosure
40 report no later than the fifteenth day after the deadline date for submitting such
41 petition. The period covered in the initial report shall begin on the day the
42 committee first accepted contributions or made expenditures to support or oppose
43 the petition effort for qualification of the measure and shall close on the fifth day
44 prior to the date of the report;

45 (2) If the measure has qualified to be on the ballot in an election and if
46 a committee subject to the requirements of subdivision (1) of this subsection is
47 also required to file a preelection disclosure report for such election any time
48 within thirty days after the date on which disclosure reports are required to be
49 filed in accordance with subdivision (1) of this subsection, the treasurer of such
50 committee shall not be required to file the report required by subdivision (1) of
51 this subsection, but shall include in the committee's preelection report all
52 information which would otherwise have been required by subdivision (1) of this
53 subsection.

54 3. The candidate, if applicable, treasurer or deputy treasurer of a

55 committee shall file disclosure reports pursuant to this section, except for any
56 calendar quarter in which the contributions received by the committee or the
57 expenditures or contributions made by the committee do not exceed five hundred
58 dollars. The reporting dates and periods covered for such quarterly reports shall
59 not be later than the fifteenth day of January, April, July and October for periods
60 closing on the thirty-first day of December, the thirty-first day of March, the
61 thirtieth day of June and the thirtieth day of September. No candidate, treasurer
62 or deputy treasurer shall be required to file the quarterly disclosure report
63 required not later than the fifteenth day of any January immediately following
64 a November election, provided that such candidate, treasurer or deputy treasurer
65 shall file the information required on such quarterly report on the quarterly
66 report to be filed not later than the fifteenth day of April immediately following
67 such November election. Each report by such committee shall be cumulative from
68 the date of the last report. In the case of the continuing committee's first report,
69 the report shall be cumulative from the date of the continuing committee's
70 organization. Every candidate, treasurer or deputy treasurer shall file, at a
71 minimum, the campaign disclosure reports covering the quarter immediately
72 preceding the date of the election and those required by subdivisions (1) and (2)
73 of subsection 1 of this section. A continuing committee shall submit additional
74 reports if it makes aggregate expenditures, other than contributions to a
75 committee, of five hundred dollars or more, within the reporting period at the
76 following times for the following periods:

77 (1) Not later than the eighth day before an election for the period closing
78 on the twelfth day before the election;

79 (2) Not later than twenty-four hours after aggregate expenditures of two
80 hundred fifty dollars or more are made after the twelfth day before the election;
81 and

82 (3) Not later than the thirtieth day after an election for a period closing
83 on the twenty-fifth day after the election.

84 4. The reports required to be filed no later than the thirtieth day after an
85 election and any subsequently required report shall be cumulative so as to reflect
86 the total receipts and disbursements of the reporting committee for the entire
87 election campaign in question. The period covered by each disclosure report shall
88 begin on the day after the closing date of the most recent disclosure report filed
89 and end on the closing date for the period covered. If the committee has not
90 previously filed a disclosure report, the period covered begins on the date the

91 committee was formed; except that in the case of a candidate committee, the
92 period covered begins on the date the candidate became a candidate according to
93 the definition of the term candidate in section 130.011.

94 5. Notwithstanding any other provisions of this chapter to the contrary:

95 (1) Certain disclosure reports pertaining to any candidate who receives
96 nomination in a primary election and thereby seeks election in the immediately
97 succeeding general election shall not be required in the following cases:

98 (a) If there are less than fifty days between a primary election and the
99 immediately succeeding general election, the disclosure report required to be filed
100 quarterly; provided that, any other report required to be filed prior to the primary
101 election and all other reports required to be filed not later than the eighth day
102 before the general election are filed no later than the final dates for filing such
103 reports;

104 (b) If there are less than eighty-five days between a primary election and
105 the immediately succeeding general election, the disclosure report required to be
106 filed not later than the thirtieth day after the primary election need not be filed;
107 provided that any report required to be filed prior to the primary election and any
108 other report required to be filed prior to the general election are filed no later
109 than the final dates for filing such reports; and

110 (2) No disclosure report needs to be filed for any reporting period if during
111 that reporting period the committee has neither received contributions
112 aggregating more than five hundred dollars nor made expenditure aggregating
113 more than five hundred dollars and has not received contributions aggregating
114 more than three hundred dollars from any single contributor and if the
115 committee's treasurer files a statement with the appropriate officer that the
116 committee has not exceeded the identified thresholds in the reporting
117 period. Any contributions received or expenditures made which are not reported
118 because this statement is filed in lieu of a disclosure report shall be included in
119 the next disclosure report filed by the committee. This statement shall not be
120 filed in lieu of the report for two or more consecutive disclosure periods if either
121 the contributions received or expenditures made in the aggregate during those
122 reporting periods exceed five hundred dollars. This statement shall not be filed,
123 in lieu of the report, later than the thirtieth day after an election if that report
124 would show a deficit of more than one thousand dollars.

125 6. (1) If the disclosure report required to be filed by a committee not later
126 than the thirtieth day after an election shows a deficit of unpaid loans and other

127 outstanding obligations in excess of five thousand dollars, semiannual
128 supplemental disclosure reports shall be filed with the appropriate officer for each
129 succeeding semiannual period until the deficit is reported in a disclosure report
130 as being reduced to five thousand dollars or less; except that, a supplemental
131 semiannual report shall not be required for any semiannual period which includes
132 the closing date for the reporting period covered in any regular disclosure report
133 which the committee is required to file in connection with an election. The
134 reporting dates and periods covered for semiannual reports shall be not later than
135 the fifteenth day of January and July for periods closing on the thirty-first day
136 of December and the thirtieth day of June.

137 (2) Committees required to file reports pursuant to subsection 2 or 3 of
138 this section which are not otherwise required to file disclosure reports for an
139 election shall file semiannual reports as required by this subsection if their last
140 required disclosure report shows a total of unpaid loans and other outstanding
141 obligations in excess of five thousand dollars.

142 7. In the case of a committee which disbands and is required to file a
143 termination statement pursuant to the provisions of section 130.021 with the
144 appropriate officer not later than the tenth day after the committee was
145 dissolved, the candidate, committee treasurer or deputy treasurer shall attach to
146 the termination statement a complete disclosure report for the period closing on
147 the date of dissolution. A committee shall not utilize the provisions of subsection
148 8 of section 130.021 or the provisions of this subsection to circumvent or
149 otherwise avoid the reporting requirements of subsection 6 or 7 of this section.

150 8. Disclosure reports shall be filed with the appropriate officer not later
151 than 5:00 p.m. prevailing local time of the day designated for the filing of the
152 report and a report postmarked not later than midnight of the day previous to the
153 day designated for filing the report shall be deemed to have been filed in a timely
154 manner. The appropriate officer may establish a policy whereby disclosure
155 reports may be filed by facsimile transmission.

156 9. Each candidate for the office of state representative, state senator, and
157 for statewide elected office shall file all disclosure reports described in section
158 130.041 electronically with the Missouri ethics commission. The Missouri ethics
159 commission shall promulgate rules establishing the standard for electronic filings
160 with the commission and shall propose such rules for the importation of files to
161 the reporting program.

162 10. Any rule or portion of a rule, as that term is defined in section

163 536.010, RSMo, that is created under the authority delegated in this section shall
164 become effective only if it complies with and is subject to all of the provisions of
165 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
166 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
167 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
168 date, or to disapprove and annul a rule are subsequently held unconstitutional,
169 then the grant of rulemaking authority and any rule proposed or adopted after
170 August 28, 2006, shall be invalid and void.

**130.500. Sections 130.500 to 130.518 and section 143.1010, RSMo,
2 may be known and cited as the "Missouri Clean Election Act."**

**130.503. As used in sections 130.500 to 130.518, unless the context
2 otherwise indicates, the following terms have the following meanings:**

**3 (1) "Certified candidate", a candidate for state senator, state
4 representative, or statewide elected office who chooses to participate
5 in alternative public financing of their campaign authorized under
6 sections 130.500 to 130.518 and who is certified as a Missouri clean
7 election act candidate under subsection 5 of section 130.512;**

**8 (2) "Commission", the Missouri ethics commission established
9 under section 105.955, RSMo;**

10 (3) "Contribution", has the same meaning as in section 130.011;

**11 (4) "Fund", the Missouri clean election fund established in section
12 130.509;**

**13 (5) "Nonparticipating candidate", a candidate for state senator,
14 state representative, or statewide elected office who does not choose to
15 participate in alternative public financing of their campaign authorized
16 under sections 130.500 to 130.518 and who is not seeking to be certified
17 as a Missouri clean election act candidate under subsection 5 of section
18 130.512;**

**19 (6) "Participating candidate", a candidate for state senator, state
20 representative, or statewide elected office who is seeking to be certified
21 as a Missouri clean election act candidate under subsection 5 of section
22 130.512;**

23 (7) "Qualifying contribution", a donation:

**24 (a) Of five dollars in the form of a check or a money order
25 payable to the fund in support of the candidate;**

**26 (b) Made by any individual eligible to register to vote in this
27 state;**

28 (c) Made during the designated qualifying period and obtained
29 with the knowledge and approval of the candidate; and

30 (d) That is acknowledged by a written receipt that identifies the
31 name and address of the donor on forms provided by the commission;

32 (8) "Qualifying period", the following:

33 (a) For a statewide participating candidate, the qualifying period
34 begins November first immediately preceding the election year and
35 ends at the same time the candidate is required under section 115.329
36 or 115.349, RSMo, to file petitions or declarations of candidacy;

37 (b) For state senate or state house of representatives
38 participating candidates, the qualifying period begins January first of
39 the election year and ends at the same time the candidate is required
40 under section 115.329 or 115.349, RSMo, to file petitions or declarations
41 of candidacy;

42 (9) "Seed money contribution", a contribution of no more than
43 one hundred dollars per individual made to a candidate, including a
44 contribution from the candidate or the candidate's family. A candidate
45 may not collect or spend seed money contributions after certification
46 as a Missouri clean election act candidate. A seed money contribution
47 shall be reported according to procedures developed by the
48 commission. A participating candidate who has accepted contributions
49 or made expenditures that do not comply with the seed money
50 restrictions under sections 130.500 to 130.518 may petition the
51 commission to remain eligible for certification as a Missouri clean
52 election act candidate in accordance with rules of the commission, if
53 the failure to comply was unintentional and does not constitute a
54 significant infraction of these restrictions.

130.506. 1. Sections 130.500 to 130.518 establishes an alternative
2 campaign financing option available to candidates for state senator,
3 state representative, and statewide elected office. This alternative
4 campaign financing option is available to candidates for elections to be
5 held beginning in the year 2010. The commission shall administer
6 sections 130.500 to 130.518 and the fund established in section
7 130.509. Candidates participating in the Missouri clean election act
8 shall also comply with all other applicable election and campaign laws
9 and regulations.

10 2. Any rule or portion of a rule, as that term is defined in section

11 536.010, RSMo, that is created under the authority delegated in this
12 section shall become effective only if it complies with and is subject to
13 all of the provisions of chapter 536, RSMo, and, if applicable, section
14 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
15 and if any of the powers vested with the general assembly pursuant to
16 chapter 536, RSMo, to review, to delay the effective date, or to
17 disapprove and annul a rule are subsequently held unconstitutional,
18 then the grant of rulemaking authority and any rule proposed or
19 adopted after August 28, 2009, shall be invalid and void.

130.509. 1. There is hereby created in the state treasury the
2 "Missouri Clean Election Fund" to finance the election campaigns of
3 certified Missouri clean election act candidates for governor, state
4 senator, and state representative and to pay administrative and
5 enforcement costs of the commission related to sections 130.500 to
6 130.518. The state treasurer shall be custodian of the fund and may
7 approve disbursements from the fund in accordance with sections
8 30.170 and 30.180, RSMo. Upon appropriation, money in the fund may
9 be used solely for the administration of sections 130.500 to 130.518. Any
10 moneys remaining in the fund at the end of the biennium shall revert
11 to the credit of the general revenue fund. The state treasurer shall
12 invest moneys in the fund in the same manner as other funds are
13 invested. Any interest and moneys earned on such investments shall be
14 credited to the fund.

15 2. The following shall be deposited in the fund:

16 (1) The qualifying contributions required under subsection 3 of
17 section 130.512 when those contributions are submitted to the
18 commission;

19 (2) Two million dollars from the general revenue fund
20 transferred to the clean election fund by the state treasurer on or
21 before January first of each year, beginning January 1, 2010;

22 (3) Revenue from a tax check off program established under
23 section 143.1010, RSMo, allowing a corporation or individual who files
24 a tax return with the state to designate that three or more dollars be
25 paid into the fund. If a husband and wife file a joint return, each
26 spouse may designate that three dollars be paid;

27 (4) Seed money contributions remaining unspent after a
28 candidate has been certified as a Missouri clean election act candidate;

29 (5) Fund revenues that were distributed to a Missouri clean
30 election act candidate and that remain unspent after the candidate has
31 lost a primary election or after all general elections;

32 (6) Other unspent fund revenues distributed to any Missouri
33 clean election act candidate who does not remain a candidate
34 throughout a primary or general election cycle;

35 (7) Voluntary donations made directly to the fund. Any
36 individual may make donations directly to the fund at any time without
37 limitation; and

38 (8) Fines collected under section 130.072 and section 130.515.

39 3. By September first preceding each general election year, the
40 commission shall publish an estimate of revenue in the fund available
41 for distribution to certified candidates during the upcoming year's
42 elections and an estimate of the likely demand for clean election
43 funding during that election.

130.512. 1. A participating candidate shall file a declaration of
2 intent to seek certification as a Missouri clean election act
3 candidate. The declaration of intent shall be filed with the commission
4 prior to or during the qualifying period according to forms and
5 procedures developed by the commission. A participating candidate
6 shall submit a declaration of intent within five business days of
7 collecting qualifying contributions or such contributions collected
8 before the declaration of intent has been filed shall not be counted
9 toward the eligibility requirement in subsection 5 of this section.

10 2. A participating candidate shall limit the candidate's seed
11 money contributions to the following amounts:

12 (1) Fifty thousand dollars for a gubernatorial candidate;

13 (2) Ten thousand dollars for a nongubernatorial statewide
14 candidate;

15 (3) One thousand five hundred dollars for a candidate for the
16 state senate; or

17 (4) Five hundred dollars for a candidate for the state house of
18 representatives.

19 The commission may, by rule, revise these amounts to ensure the
20 effective implementation of sections 130.500 to 130.518.

21 3. Participating candidates shall obtain qualifying contributions
22 during the qualifying period as follows:

23 (1) For a gubernatorial candidate, at least one thousand
24 individuals eligible to register to vote in this state shall support the
25 candidacy by providing a qualifying contribution to that candidate;

26 (2) For a nongubernatorial statewide candidate, at least five
27 hundred individuals eligible to register to vote in this state shall
28 support the candidacy by providing a qualifying contribution to that
29 candidate;

30 (3) For a candidate for the state senate, at least two hundred
31 fifty individuals eligible to register to vote in this state shall support
32 the candidacy by providing a qualifying contribution to that candidate;
33 or

34 (4) For a candidate for the state house of representatives, at
35 least one hundred individuals registered to vote in this state shall
36 support the candidacy by providing a qualifying contribution to that
37 candidate.

38 A payment, gift or anything of value may not be given in exchange for
39 a qualifying contribution.

40 4. A participating candidate shall submit qualifying
41 contributions within ten days of receiving the contribution to the
42 commission during the qualifying period according to procedures
43 developed by the commission.

44 5. Upon receipt of a final submission of qualifying contributions
45 by a participating candidate, the commission shall determine whether
46 or not the candidate has:

47 (1) Signed and filed a declaration of intent to seek certification
48 as required under subsection 1 of this section;

49 (2) Submitted the appropriate number of valid qualifying
50 contributions;

51 (3) Qualified as a candidate by petition or other means;

52 (4) Accepted no contributions, except for seed money and
53 qualifying contributions;

54 (5) Not run for the same office as a nonparticipating candidate
55 in a primary election in the same general election year; and

56 (6) Otherwise met the requirements for participating as a
57 Missouri clean election act candidate.

58 The commission shall certify a candidate complying with the
59 requirements of this section as a Missouri clean election act candidate

60 as soon as possible and no later than three business days after final
61 submission of qualifying contributions. Upon certification, a candidate
62 shall transfer any unspent seed money contributions to the commission
63 for deposit in the fund.

64 6. After certification, a candidate shall limit the candidate's
65 campaign expenditures and obligations, including outstanding
66 obligations, to the revenues distributed to the candidate from the fund
67 and may not accept any contributions unless specifically authorized by
68 the commission. Candidates may, however, accept and spend interest
69 earned on bank accounts containing revenues distributed from the
70 fund. All revenues distributed to a certified candidate from the fund
71 shall be used for campaign-related purposes. The commission shall
72 publish guidelines outlining permissible campaign-related
73 expenditures.

74 7. The commission shall distribute to certified candidates
75 revenues from the fund in amounts determined under subsection 9 of
76 this section in the following manner:

77 (1) Within three days after certification, for candidates certified
78 prior to the deadline for filing a declaration of candidacy under section
79 115.349, RSMo, revenues from the fund shall be distributed as if the
80 candidates are in an uncontested primary election;

81 (2) Within three days after certification, for all candidates
82 certified between the deadline for filing a declaration of candidacy
83 under section 115.349, RSMo, and thirty days thereafter, revenues from
84 the fund shall be distributed according to whether the candidate is in
85 a contested or uncontested primary election;

86 (3) Within three days after the secretary of state has certified the
87 names of candidates to be included on a ballot in a special election for
88 state representative or state senator;

89 (4) For candidates in contested primary elections receiving a
90 distribution under subdivision (1) of this subsection, additional
91 revenues from the fund shall be distributed within three days of the
92 deadline for filing a declaration of candidacy under section 115.349,
93 RSMo;

94 (5) Within three days after the primary election results are
95 certified, for general election certified candidates, revenues from the
96 fund shall be distributed according to whether the candidate is in a

97 **contested or uncontested general election.**

98 **Funds shall be distributed to certified candidates under this section by**
99 **any mechanism that is expeditious, ensures accountability and**
100 **safeguards the integrity of the fund.**

101 **8. A candidate certified as a clean election candidate who wins**
102 **the primary election shall be required to be a participating candidate**
103 **for the general election.**

104 **9. The candidate, treasurer, or candidate committee shall deposit**
105 **all revenues from the fund in a campaign account with a bank or other**
106 **financial institution. The campaign funds shall be segregated from, and**
107 **may not be commingled with, any other funds.**

108 **10. By July 1, 2010, and at least every two years thereafter, the**
109 **commission shall determine the amount of funds to be distributed to**
110 **participating candidates based on the type of election and office as**
111 **follows:**

112 **(1) For contested legislative and nongubernatorial statewide**
113 **primary elections, the amount of revenues to be distributed shall be the**
114 **average amount of campaign expenditures made by each candidate**
115 **during all contested primary election races for the immediately**
116 **preceding two primary elections for the respective offices;**

117 **(2) For uncontested legislative primary and nongubernatorial**
118 **statewide elections, the amount of revenues distributed shall be the**
119 **average amount of campaign expenditures made by each candidate**
120 **during all uncontested primary election races for the immediately**
121 **preceding two primary elections for the respective offices;**

122 **(3) For contested legislative and nongubernatorial general**
123 **elections, the amount of revenues distributed shall be the average**
124 **amount of campaign expenditures made by each candidate during all**
125 **contested general election races for the immediately preceding two**
126 **general elections for the respective offices;**

127 **(4) For uncontested and nongubernatorial legislative general**
128 **elections, the amount of revenues to be distributed from the fund shall**
129 **be forty percent of the amount that would have been distributed under**
130 **subdivision (3) of this subsection to the participating candidate had the**
131 **election been contested;**

132 **(5) For gubernatorial primary elections, the amount of revenues**
133 **distributed shall be two hundred thousand dollars per candidate in the**

134 **primary election;**

135 **(6) For gubernatorial general elections, the amount of revenues**
136 **distributed shall be four hundred thousand dollars per candidate in the**
137 **general election.**

138 **If the immediately preceding election cycles do not contain sufficient**
139 **electoral data, the commission shall use information from the most**
140 **recent applicable elections.**

141 **11. When any disclosure report shows that the sum of a**
142 **nonparticipating candidate's expenditures or obligations, or**
143 **contributions, whichever is greater, alone or in conjunction with**
144 **independent expenditures exceeds the distribution amount under**
145 **subsection 10 of this section, the commission shall issue immediately to**
146 **any opposing Missouri clean election act candidate an additional**
147 **amount equivalent to the reported excess. Matching funds are limited**
148 **to two times the amount originally distributed under subdivisions (1),**
149 **(3), (5), or (6) of subsection 10 of this section, whichever is applicable.**

150 **12. New party and independent candidates certified prior to the**
151 **primary election are eligible for revenues from the fund in the same**
152 **amounts and at the same time as an uncontested primary election**
153 **candidate and a general election candidate as specified in subsection**
154 **10 of this section. New party and independent candidates certified**
155 **after the primary are eligible for revenues from the fund in the same**
156 **amounts as a general election candidate, as specified in subsection 10**
157 **of this section.**

158 **13. Participating and certified candidates shall report any money**
159 **collected, all campaign expenditures, obligations, and related activities**
160 **to the commission thirty days preceding a general election or a primary**
161 **election in which the candidate was defeated. Upon the filing of this**
162 **final report, the candidate shall return all unspent fund revenues to the**
163 **commission. The commission shall ensure timely public access to**
164 **campaign finance data and may utilize electronic means of reporting**
165 **and storing information.**

166 **14. The participating and certified candidate's campaign**
167 **treasurer shall obtain and keep:**

168 **(1) Bank or other account statements for the campaign account**
169 **covering the duration of the campaign;**

170 **(2) A vendor invoice stating the particular goods or services**

171 purchased for every expenditure of fifty dollars or more; and

172 (3) A record proving that a vendor received payment for every
173 expenditure of fifty dollars or more in the form of a cancelled check,
174 receipt from the vendor or bank or credit card statement identifying
175 the vendor as the payee.

176 The treasurer shall preserve the records for two years following the
177 candidate's final report, required under subsection 11 of this section,
178 for the election cycle. The candidate shall submit photocopies of the
179 records to the commission upon its request.

180 15. The commission may not distribute revenues to certified
181 candidates in excess of the total amount of money deposited in the fund
182 as set forth in section 130.509. Notwithstanding any other provisions
183 of sections 130.500 to 130.518, if the commission determines that the
184 revenues in the fund are insufficient to meet distributions under
185 subsection 10 of this section, the commission may permit certified
186 candidates to accept and spend contributions, reduced by any seed
187 money contributions, aggregating no more than five hundred dollars
188 per donor per election for gubernatorial candidates, three hundred
189 fifty dollars per donor per election for nongubernatorial statewide
190 candidates, and two hundred fifty dollars per donor per election for
191 state senate and state house candidates, up to the applicable amount
192 set forth in subsection 10 of this section according to rules adopted by
193 the commission.

194 16. A candidate who has been denied certification as a Missouri
195 clean election act candidate, the opponent of a candidate who has been
196 granted certification as a Missouri clean election act candidate, or
197 other interested persons may challenge a certification decision by the
198 commission as follows:

199 (1) A challenger may appeal to the commission within seven days
200 of the certification decision. The appeal shall be in writing and shall
201 set forth the reasons for the appeal;

202 (2) Within five days after an appeal is properly filed and after
203 notice is given to the challenger, and if applicable the certified
204 candidate, the commission shall hold a hearing. The challenger has the
205 burden of providing by a preponderance of the evidence that the
206 commission decision was improper. The commission shall rule on the
207 appeal within three days after the completion of the hearing;

208 **(3) A challenger may appeal the decision of the commission in**
209 **subdivision (2) of this subsection by commencing an action in the Cole**
210 **County circuit court;**

211 **(4) A candidate whose certification by the commission as a**
212 **Missouri clean election act candidate is revoked on appeal shall return**
213 **any unspent revenues distributed from the fund to the commission. If**
214 **the commission or the court find that an appeal was filed frivolously or**
215 **to cause delay or hardship, the commission or court may require the**
216 **moving party to pay costs of the commission, court and opposing**
217 **parties.**

130.515. A person who violates any provision of sections 130.500
2 **to 130.518 is subject to a fine not to exceed ten thousand dollars per**
3 **violation payable to the fund. Fines paid under this section shall be**
4 **deposited in the fund. Any person certified as a Missouri clean election**
5 **act candidate in violation of sections 130.500 to 130.518, shall return to**
6 **the fund all amounts distributed to the candidate.**

130.518. 1. There is established a joint committee of the general
2 **assembly to be known as the "Joint Committee on Clean Elections", to**
3 **be comprised of five members of the senate and five members of the**
4 **house of representatives. Three of the senate members shall be**
5 **appointed by the president pro tem of the senate and two by the senate**
6 **minority leader. Three of the house members shall be appointed by the**
7 **speaker of the house and two by the house minority leader. The**
8 **appointment of each member shall continue during his or her term of**
9 **office as a member of the house or senate or until a successor has been**
10 **duly appointed to fill his or her place when his or her term of office as**
11 **a member of the house or senate has expired.**

12 **2. The committee shall study and recommend legislation relating**
13 **to the administration, implementation, and enforcement of the Missouri**
14 **clean elections act. The committee shall submit to the general assembly**
15 **a written report documenting its findings and recommendations by**
16 **December thirty-first of each year beginning in 2011.**

143.1014. In each taxable year beginning on or after January 1,
2 **2009, each individual or corporation entitled to a tax refund in any**
3 **amount sufficient to make a designation under this section may**
4 **designate that three or more dollars on a single or six or more dollars**
5 **on a combined return, of the refund due be credited to the Missouri**

6 clean election fund created in section 130.509, RSMo. The contribution
7 designation authorized by this section shall be clearly and
8 unambiguously printed on the first page of each income tax return form
9 provided by the state. The department of revenue shall deposit such
10 amount to the Missouri clean election fund as provided in section
11 130.509, RSMo.

✓

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